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Supreme Court, U.S.
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E. ROBERT SEAVER, CLERK

IN THE

Supreme Court of the United States

No. 71-254

A. F. WESTMORELAND,
Petitioner,

versus

THE STATE OF MISSISSIPPI,
Respondent.

PETITION FOR RE-HEARING FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES

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Attorney for Petitioner

IN THE
SUPREME COURT OF THE UNITED STATES

No. 71-254

A. F. WESTMORELAND,

Petitioner,

versus

THE STATE OF MISSISSIPPI,

Respondent.

PETITION FOR RE-HEARING FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES

Appellant presents his Petition for a re-hearing in the above entitled cause and in support thereof respectfully shows:

That the Mississippi Supreme Court, in their opinion, in A. F. Westmoreland vs State of Mississippi, denied A. F. Westmoreland the guarantees of the Fifth Amendment to the United States Constitution, which states:

> "... Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb ... nor be deprived of life, liberty or property without due process of law ..."

The indictment in the case at bar did not adequately describe the property in question so as to allow a plea of former jeopardy to subsequent indictments.

The Petitioner, A. F. Westmoreland, was denied his Fourteenth Amendment Constitutional rights in that the Mississippi Supreme Court did not treat him fairly by abruptly changing the case law of the State of Mississippi; this change of law being the law on which A. F. Westmoreland relied at the trial level and which was not followed by the Supreme Court of the State of Mississippi.

The Mississippi Supreme Court, in their opinion in A. F. Westmoreland vs State of Mississippi, made such an abrupt departure from the case law of the State of Mississippi that this departure prevented A. F. Westmoreland from obtaining justice at the hands of the Mississippi Supreme Court and this failure to receive justice was a violation of A. F. Westmoreland's Fourteenth Amendment rights under the United States Constitution.

CONCLUSION

For the foregoing reasons, it is respectfully urged that this Petition for a re-hearing be granted and that upon further consideration, the judgment of the Supreme Court of the State of Mississippi be reversed.

ROY O. PARKER
ATTORNEY FOR
PETITIONER

CERTIFICATE OF COUNSEL

I, Roy O. Parker, counsel for the above named Petitioner, do hereby certify that the foregoing Petition For Re-Hearing is presented in good faith and not for delay.

ROY O. PARKER
COUNSEL FOR
APPELLANT

CERTIFICATE

I, Roy O. Parker, Attorney for Petitioner herein, do hereby certify that I have delivered a true copy of the foregoing etition For Re-Hearing For a Writ of Certiorari to The Supreme Court of the United States, to the Honorable A. F. Summer, Attorney General for the State of Mississippi, New Capitol Building, Jackson, Mississippi, by mailing him a copy of same to the above address, postage prepaid, on the ____ day of February, 1972; and filed an original of said Petition For Re-Hearing with the Supreme Court of the United States by mailing the original of same to their regular post office address of Supreme Court Building, Washington, D. C. 20543, on the ____ day of February, A. D., 1972.

This the ____ day of February, A. D., 1972.

ROY O. PARKER
ATTORNEY FOR
PETITIONER
2225 WEST MAIN STREET
TUPELO, MISSISSIPPI 38801